

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 is very confusing; it is unclear what is being conveyed by the terms "activating agent," what activates? A food a beverage and a cosmetic are claimed in the instant application.
4. "component contained therein" is confusing, it is unclear what is being conveyed by this phrase.
5. "drawn up from" is confusing, it is unclear what is being conveyed by this phrase.
6. In claims 1-4, what is meant by "ancient water" and 'ancient salty water'?" It is requested that applicant clarify what is being claimed.
7. In claims 1 and 2 the term "deeper" is in parentheses; it is unclear if this expression is indeed the limitation.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Art Unit: 1612

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to non-statutory subject matter. Claims 1-6 are rejected under U.S.C. 101 because the claimed invention is directed toward non-statutory subject matter. In claims 1-6 "using" is directed towards non-statutory subject matter.

9. Claims 1-4 are rejected under U.S.C. 101 because the claimed invention is directed towards is non-statutory subject matter: "ancient water and/ or ancient salty water" is a naturally occurring product.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Application No. 200-343115 to Kaoru, et al.

12. Kaoru, et al. discloses a cosmetic characterized by ancient salty water in the deep level of the Earth core, capable of supplying mineral components by percutaneous absorption (see abstract, claims).

13. Claims 1-2 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Application No 2000-336951 to Kaoru, et al.

14. Kauro, et al discloses a food additive characterized by formulating ancient salt water sealed in the deep layer of the underground as a mineral ingredient in a food and drink (see abstract, claims).

Conclusion

15. No claim is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAHRZAD FARZANEH whose telephone number is (571)270-1557. The examiner can normally be reached on Weekly 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frederick Krass can be reached on 571-272-0580. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gollamudi S Kishore, Ph.D/

Application/Control Number: 10/696,179
Art Unit: 1612

Page 5

Primary Examiner, Art Unit 1612

SF